

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH R. KALAC,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C17-1090 RAJ
ORDER

This matter comes before the Court on Joseph Kalac's Second Motion to Appoint Counsel. Dkt. # 10. There is no constitutional right to counsel in a post-conviction § 2255 proceeding. *Sanchez v. United States*, 50 F.3d 1448, 1456 (9th Cir.1995). Under the Rules Governing § 2255 Proceedings for the United States District Courts, if a judge determines that an evidentiary hearing is warranted, "the judge must appoint an attorney for a moving party who qualifies to have counsel appointed under 18 U.S.C. § 3006A." *See* Rule 8(c). Without this determination, appointing counsel is purely a discretionary matter. *See* 18 U.S.C. § 3006A(a)(2)(B) (stating that a federal court "may" appoint counsel if "the interests of justice so require[.]").

The Court already found that an evidentiary hearing is unnecessary. Mr. Kalac does not present any new information or argument to the contrary in his newest motion.

1 If circumstances change such that the Court finds an evidentiary hearing necessary, then
2 the Court will appoint counsel for petitioner. The Court continues to find no other
3 compelling justification for appointing counsel at this time.

4 Dated this 12th day of October, 2017.

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8 The Honorable Richard A. Jones
9 United States District Judge
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